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Washington, Wednesday, October 15, 1941

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A PRACTICE BOMBING AND GUNNERY RANGE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a practice bombing and gunnery range:

WILLAMETTE MERIDIAN

T. 18 N., R. 27 E., secs. 20 and 22; containing 1280 acres.

This order shall be subject to the order of the Acting Assistant Secretary of the Interior of June 27, 1941, withdrawing certain lands under the provisions of the Reclamation Act of June 17, 1902 (32 Stat. 388), so far as such order affects the above-described lands; and after the present national emergency has been officially terminated, this order shall be without effect upon notice to the War Department by the Secretary of the Interior that the entire use of the above-described lands is needed for reclamation purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 11, 1941.

[No. 8915]

[F. R. Doc. 41-7696; Filed, October 13, 1941; 2:04 p. m.]

EXECUTIVE ORDER

REVOKING EXECUTIVE ORDER NO. 1030 OF FEBRUARY 24, 1909, AND WITHDRAWING CERTAIN PUBLIC LANDS FOR USE OF THE ALASKA ROAD COMMISSION, DEPARTMENT OF THE INTERIOR, FOR AVIATION PURPOSES

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. Executive Order No. 1030 of February 24, 1909, reserving certain land near Copper Center, Alaska, for the joint use of the Department of the Interior and the Department of Agriculture for educational and agricultural experiment station purposes, is hereby revoked.

2. The following-described tracts of public land, comprising part of the land reserved by the above-mentioned order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the Alaska Road Commission, Department of the Interior, for aviation purposes:

COPPER RIVER MERIDIAN

T. 2 N., R. 1 W., sec. 12, lots 7 and 10.
U. S. Survey No. 2186.
The areas described aggregate 117.77 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
October 11, 1941.

[No. 8916]

[F. R. Doc. 41-7697; Filed, October 13, 1941; 2:04 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—CORN

DETERMINATION OF 1942 FARM CORN ACREAGE ALLOTMENTS AND NORMAL YIELDS

Sec.
721.411 Determination of farm corn acreage allotments for 1942.
721.412 Determination of individual farm corn yields.
721.413 Miscellaneous provisions applicable to farm corn acreage allotments and yields.
721.414 Definitions.

By virtue of the authority vested in the Secretary of Agriculture by sections 301, 329, and 375 of the Agricultural Adjustment Act of 1938, as amended, I do prescribe the following regulations applicable for determining farm corn acreage allotments and normal yields for the 1942 crop in counties in the commercial corn-producing area under Title III of said Act,

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THE PRESIDENT

RULES, REGULATIONS, ORDERS

(Continued on next page)

FEDERAL REGISTER

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to be in force and effect until rescinded, amended, or superseded by regulations hereafter made by the Secretary of Agriculture under said Act.

Section 329 (b) of said Act provides that:

> The acreage allotment to the county for corn shall be apportioned by the Secretary of Agriculture, through the local committees, among the farms within the county on the basis of tillable acreage crop-rotation practices, type of soil, and topography.

Section 301 (b) (13) (E) of said Act provides that:

> "Normal yield" for any farm, in the case of corn * * * shall be the average yield per acre of corn * * * for the farm, adjusted for abnormal weather conditions and * * * for trends in yields, during the ten calendar years * * * immediately preceding the year in which such normal yield is determined. If for any such year the data are not available or there is no actual yield, then the normal yield for the farm shall be appraised in accordance with regulations of the Secretary, taking into consideration abnormal weather conditions, the normal yield for the county, and the yield in years for which data are available.

§ 721.411 *Determination of farm corn acreage allotments for 1942.* The county committee, with the assistance of other local committees in the county, and subject to the approval of the State committee, shall determine farm corn acreage allotments for farms in the commercial corn-producing area for the calendar year 1942 on the basis of tillable acreage, crop-rotation practices, type of soil, and topography of the cropland as follows:

(a) *Determination with respect to tillable acreage, crop-rotation practices, type of soil, and topography.* For those farms for which 1941 farm corn allotments reflect these factors in accordance with the conditions as applicable for 1942, the 1941 allotments may be used in determining the 1942 allotments. The county and community committees shall review the 1941 allotments for the several farms and determine whether any allotment is not representative for the farm. In making this determination the committees should consider factors such as a change in type of farming operations, change in farm land, change in cropland acreage, drought, flood, and any other unusual conditions which may apply to the farm at the time the determination is made. Consideration may also be given to the acreage of corn planted on the farm in 1941. For those farms for which consideration is given to the 1941 planted acreage of corn, the county committee may determine a revised 1941 allotment for purposes of establishing the 1942 allotment by weighting the 1941 allotment with the 1941 planted acreage.

If it is determined that the 1941 corn allotment or the 1941 revised allotment, as the case may be, is not representative for the farm, the committees shall appraise a 1942 recommended allotment which is more representative for the farm. This appraisal shall be based on the corn acreage allotments for a group of one or more similar farms in the county and shall be subject to the limitations described in the following sentences:

A group of one or more farms having similar crop-rotation practices, type of soil, and topography shall be selected, and the ratio of corn allotment to cropland for the group of similar farms shall be computed. This ratio shall be applied to the cropland on the farm for which an appraisal is to be made. In those cases in which the 1941 allotment or 1941 revised allotment is to be increased, it shall not be in excess of the figure computed, and in those cases in which the 1941 allotment or 1941 revised allotment is to be decreased, it shall not be less than the figure computed.

(b) *Adjustment to county acreage allotment.* The 1942 recommended acreage allotments determined under paragraph (a), adjusted pro rata to equal the county corn acreage allotment, shall be the farm acreage allotments.*

*§§ 721.411–721.414, inclusive, issued under the authority contained in secs. 329 (b), 375 (b), 301 (b)13(E), 52 Stat. 52, 66, 202, 54 Stat. 1211; 7 U.S.C. Sup., 1329, 1375, 1301.

§ 721.412 *Determination of individual farm corn yields.* Individual farm yields for corn shall be determined on the basis of the historical record for the farm for the period 1931–1940, inclusive, adjusted for abnormal weather conditions and for trends in yields, or, where accurate corn yield records are not available, the farm

yield will be determined by appraisal, taking into consideration abnormal weather conditions, the normal yield for the county and other similar farms, the yields in years for which data are available, and the normal yield established for the farm for 1941. Individual farm corn yields shall be weighted by the individual farm corn acreage allotments and shall be adjusted, except for farms for which yields are determined on the basis of actual records, so that the average of all farm yields in the county does not exceed the county normal corn yield.*

§ 721.413 *Miscellaneous provisions applicable to farm corn acreage allotments and yields*—(a) *Opportunity to furnish data.* Any person owning or operating a farm in a commercial corn-producing county may submit to the county committee any information or data which is relevant to the factors to be taken into consideration by the county committee in determining the farm corn acreage allotment and yield.

(b) *Appeals.* Any person who is dissatisfied with the determination of the county committee with respect to the corn acreage allotment and/or yield for any farm in which he has an interest may, within 15 days after notice of such allotment is forwarded to or made available to him, appeal from such determination by following the procedure governing appeals under the 1942 Agricultural Conservation Program.

(c) *Instructions and forms.* The Administrator of the Agricultural Adjustment Administration shall cause to be prepared and issued with his approval such instructions and forms as may be required to carry out these regulations.*

§ 721.414 *Definitions.* As used in these regulations and in all forms and documents in connection therewith, unless the content or subject matter otherwise requires, the following terms shall have the meaning ascribed:

(a) The term "Act" means the Agricultural Adjustment Act of 1938 and any amendments thereto.

(b) The term "Secretary" means the Secretary of Agriculture of the United States.

(c) The term "Department" means the United States Department of Agriculture.

(d) The term "commercial corn-producing area" means the area which will be determined under section 301 (b) (4) of the Act and established by § 721.401 (the proclamation of commercial corn-producing area for the year 1942 made by the Secretary of Agriculture).

(e) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee, in accordance with instructions issued by the Agricultural Adjustment Administration, determines is operated by the same person as part of the same unit with respect to the rotation of crops and with work stock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(f) The term "acreage allotment of corn for 1942" means the acreage that will be included in the commercial corn-producing area determined under section 328 of the Act and established under § 721.402 (the proclamation of corn acreage allotment for the commercial corn-producing area issued by the Secretary of Agriculture).

(g) The term "county corn acreage allotment" for the calendar year 1942 means that acreage of corn which will be apportioned to the county under § 721.403 (the determination of county corn acreage allotments issued by the Secretary of Agriculture).

(h) The term "county normal corn yield" for the calendar year 1942 means that normal yield of corn which will be determined for the county under § 721.404 (the determination of county normal yields of corn for 1942 issued by the Secretary of Agriculture).

(i) The term "farm corn acreage allotment" means the acreage allotment established for a farm with respect to corn by apportioning the county acreage allotment of corn among all the corn-producing farms in the county.

(j) The term "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in such State.

(k) The term "county committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in such county.

(l) The term "local committee" means any committee, whether or not a county committee, utilized under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended.*

Done at Washington, D. C., this 14th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 41–7726; Filed, October 14, 1941; 11:26 a. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1101—FOOD STAMP PLAN

COMPLIANCE

Section 1101.400 *Action against violators*[1] (Section 400, Article IV of the "Food Stamp Plan Regulations" made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby further amended to read as follows:

§ 1101.400 *Action against violators.* Any person who violates the regulations in this part may be denied the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator, and may deny an alleged violator the privilege of participating in the Food Stamp Plan and in the Cotton Stamp Plan, pending a final determination. In any final determination, payment may be denied on any claim or claims supported by food stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, determines that any person has accepted food stamps in violation of the regulations and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps and that payment has erroneously been made thereon, a deduction may be made from any claim or claims supported by either food stamps or cotton stamps, or both, obtained in full compliance with the applicable regulations and presented for payment by or for and on behalf of such person, of an amount deemed to be sufficient to offset the amount erroneously paid. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may take such action as may be deemed necessary to make effective any deduction, order of denial or order of suspension.

Done at Washington, D. C., this 13th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

Effective date: October 14, 1941.

[F. R. Doc. 41–7724; Filed, October 14, 1941; 11:25 a. m.]

[1] 6 F.R. 2535, 4071.

PART 1121—COTTON STAMP PLAN REGULATIONS

COMPLIANCE

Section 1121.400 *Action against violators*[1] (Section 400, Article IV of the "Cotton Stamp Plan Regulations" made and prescribed by the Acting Secretary of Agriculture on May 3, 1941, effective May 3, 1941, as amended) is hereby further amended to read as follows:

§ 1121.400 *Action against violators.* Any person who violates the regulations in this part may be denied the privilege of participating in the Cotton Stamp Plan and in the Food Stamp Plan. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may suspend payment on any claim or claims of an alleged violator, and may deny an alleged violator the privilege of participating in the Cotton Stamp Plan and in the Food Stamp Plan pending a final determination. In any final determination, payment may be denied on any claim or claims supported by cotton stamps found to have been obtained in violation of the regulations in this part. In the event the Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, determines that any person has accepted cotton stamps in violation of the regulations and has made and presented for payment, or has caused to be made and presented for payment, claims supported by such stamps and that payment has erroneously been made thereon, a deduction may be made from any claim or claims supported by either cotton stamps or food stamps, or both, obtained in full compliance with the applicable regulations and presented for payment by or for and on behalf of such person, of an amount deemed to be sufficient to offset the amount erroneously paid. The Administrator, or such officer or employee of the Surplus Marketing Administration as the Administrator may designate for the purpose, may take such action as may be deemed necessary to make effective any deduction, order of denial or order of suspension.

Done at Washington, D. C., this 13th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Under Secretary of Agriculture.

Effective date October 14, 1941.

[F. R. Doc. 41-7725; Filed, October 14, 1941; 11:25 a. m.]

[1] 6 F.R. 2302, 4071.

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO STATESBORO LIVESTOCK COMMISSION COMPANY STATESBORO, GEORGIA[1]

OCTOBER 14, 1941.

Whereas the Statesboro Livestock Commission Company was posted on March 16, 1939, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Statesboro Livestock Commission Company (Within the City Limits of Statesboro, Georgia) is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Statesboro Livestock Commission Company (Within the City Limits of Statesboro, Georgia) no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41-7728; Filed, October 14, 1941; 11:27 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3615]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLAIROL, INC., ET AL.

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing.* Representing, in connection with offer, etc., in commerce, of respondents' "Clairol" cosmetic preparations, more specifically designated as "Instant Clairol" and "Progressive Clairol", or any other substantially similar preparations, (1) that said preparations are not hair dyes; (2) that they recondition the hair, or restore the natural or youthful color thereof; (3) that the effect produced upon the color of the hair by the use of said preparations is permanent; (4) that they supply nourishment to the hair; (5) that they are made or compounded in France; (6) that the number of treatments of said preparations used by the public is greater than is the fact; and (7) that said "Instant Clairol" is harmless or safe for use; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Clairol, Inc., et al., Docket 3615, October 8, 1941]

In the Matter of Clairol, Inc., a Corporation, and Joan Gelb, Leon A. Spilo, and Morris Gelb, Individuals.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 8th day of October, A. D. 1941.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before Edward E. Reardon, trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiner upon the evidence, and exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument; and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That said individual respondents, Joan Gelb, Leon A. Spilo and Morris Gelb, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of their cosmetic preparations designated generally as "Clairol" and more specifically designated as "Instant Clairol" and "Progressive Clairol", or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from:

(1) Representing that said preparations are not hair dyes;

(2) Representing that said preparations recondition the hair, or restore the natural or youthful color of the hair;

(3) Representing that the effect produced upon the color of the hair by the use of said preparations is permanent;

(4) Representing that said preparations supply nourishment to the hair;

(5) Representing that said preparations are made or compounded in France;

[1] 3 F.R. 2793.

(6) Representing that the number of treatments of said preparations used by the public is greater than is the fact;

(7) Representing that said preparation Instant Clairol is harmless or safe for use.

It is further ordered, That said individual respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

The corporate respondent, Clairol, Inc., having been dissolved, *it is further ordered,* That this proceeding be, and it hereby is, dismissed as to said corporate respondent.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 41-7730; Filed, October 14, 1941; 11:38 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50491]

NEW YORK WORLD'S FAIR 1940
GOLDEN GATE INTERNATIONAL EXPOSITION

REGULATIONS AMENDED TO CARRY INTO EFFECT THE PROVISIONS OF PUBLIC LAW 185 OF THE 77TH CONGRESS APPROVED JULY 18, 1941

OCTOBER 10, 1941.

Attention is invited to Public Law 185 of the 77th Congress further amending the Joint Resolutions of August 16, 1937 (50 Stat. 668), as amended, and May 18, 1937 (50 Stat. 187), as amended and supplemented, which reads as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the joint resolution "To permit articles imported from foreign countries for the purpose of exhibition at the New York World's Fair 1939, New York City, New York, to be admitted without payment of tariff, and for other purposes", approved August 16, 1937 (50 Stat. 668), as amended, is hereby further amended by striking out the words "within six months" wherever appearing therein and inserting in lieu thereof the words "within eighteen months", and by adding a new section thereto reading as follows:

"SEC. 3. Notwithstanding any provision of the said joint resolution of August 16, 1937, as amended, or any regulation issued pursuant thereto, the New York World's Fair 1940, Incorporated, shall not be liable for the payment of any duties, charges, or exactions in respect of articles entered under the provisions of the said joint resolution if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry. Nothing in this section shall affect the liability of the New York World's Fair 1940, Incorporated, to reimburse the United States for the actual and necessary customs charges for labor services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported, incurred prior to entry under the general tariff law."

SEC. 2. That the joint resolution "Providing for the importation of articles free from tariff or customs duty for the purposes of exhibition at the Golden Gate International Exposition to be held at San Francisco, in 1939, and for other purposes", approved May 18, 1937 (50 Stat. 187), as amended and supplemented, is hereby further amended by striking out the words "within six months" wherever appearing therein and inserting in lieu thereof the words "within eighteen months" and by adding a new section thereto to read as follows:

"SEC. 3. Notwithstanding any provision of the said joint resolution of May 18, 1937, as amended and supplemented, or any regulation issued pursuant thereto, the San Francisco Bay Exposition shall not be liable for the payment of any duties, charges, or exactions in respect of articles entered under the provisions of the said joint resolution if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry. Nothing in this section shall affect the liability of the San Francisco Bay Exposition to reimburse the United States for the actual and necessary customs charges for labor services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for articles imported, incurred prior to entry under the general tariff law."

The regulations contained in (1938) T.Ds. 49447 and 49448, as amended by (1940) T.D.s 50115[1] and 50170, are hereby amended by striking out the words "six months" wherever appearing therein and inserting in lieu thereof the words "eighteen months."

Paragraphs 15 of the said regulations, as amended, are modified by sections numbered 3 of Public Law 185 of the 77th Congress to provide that the New York World's Fair 1940, Inc., and the San Francisco Bay Exposition shall not be held responsible to the Government for the payment of any duties, charges or exactions in respect of articles entered under the provisions of the joint resolutions referred to if such articles have been or shall be entered under the general tariff law and the general customs regulations in force at the time of such entry.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7731; Filed, October 14, 1941; 11:43 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAXES

[T.D. 5087]

PART 23—CONSOLIDATED RETURNS OF AFFILIATED RAILROAD CORPORATIONS AND PAN-AMERICAN TRADE CORPORATIONS

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (b) OF THE EXCESS-PROFITS TAX ACT OF 1940

Amending Regulations 104 and Regulations 110, Relating to the Necessity of Filing Consolidated Returns for Years Following the Year in Which the Election to File a Consolidated Return Has Been Exercised

Regulations 104

PARAGRAPH 1. Effective for taxable years beginning after December 31, 1940, § 23.11 (a) [1] of Regulations 104 is amended to read as follows:

§ 23.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under these regulations for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) Chapter 1 of the Code to the extent applicable to corporations, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

Regulations 110

PAR. 2. Effective for taxable years beginning after December 31, 1939, § 33.11 (a) [2] of Regulations 110 is amended to read as follows:

§ 33.11 *Consolidated returns for subsequent years*—(a) *Consolidated returns required for subsequent years.* If a consolidated return is made under these regulations for any taxable year, a consolidated return must be made for each subsequent taxable year during which the affiliated group remains in existence unless (1) a corporation (other than a corporation created or organized, directly or indirectly, by a member of the group) has become a member of the group during such subsequent taxable year, or (2) Chapter 1 of the Code to the extent applicable to corporations, or Subchapter E of Chapter 2 of the Code, or these regulations which have been consented to, have been amended and any such amendment is of a character which makes less advantageous to affiliated groups as a class the continued filing of consolidated returns, or (3) the Commissioner, prior to the time of making the return, upon application made by the common parent corporation and for good cause shown, grants permission to change.

(This Treasury decision is issued under the authority contained in section 141 (b) of the Internal Revenue Code (53 Stat. 58; 26 U.S.C., Sup. V, 141 (b)) and section 730 (b) of the Internal Rev-

[1] 5 F.R. 1117.

[1] 5 F.R. 7.
[2] 6 F.R. 1463.

enue Code, added by the Excess Profits Tax Act of 1940 (54 Stat. 989).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: October 10, 1941.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 41-7695; Filed, October 13, 1941; 12:40 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 602—MINIMUM WAGE RATE IN THE GRAY IRON JOBBING FOUNDRY INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 23 FOR A MINIMUM WAGE RATE IN THE GRAY IRON JOBBING FOUNDRY INDUSTRY

Sec.
602.1 Approval of recommendation of industry committee.
602.2 Wage rate.
602.3 Posting of notices.
602.4 Definition of the gray iron jobbing foundry industry.
602.5 Scope of the definition.
602.6 Effective date.

Effective NOVEMBER 3, 1941.

Whereas on March 4, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 88, appointed Industry Committee No. 23, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Gray Iron Jobbing Foundry Industry in accordance with Section 8 of the Act; and

Whereas on March 24, 1941, by Administrative Order No. 94, the Administrator accepted the resignation of Harry Stevenson as an employee representative and appointed Charles W. Wilkerson in his place; and

Whereas on March 31, 1941, by Administrative Order No. 96, the Administrator also accepted the resignation of Harold J. Ruttenberg as an employee representative and appointed Stanley H. Ruttenberg in his place; and

Whereas the Committee included five disinterested persons representing the public, a like number of persons representing employers in the Gray Iron Jobbing Foundry Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas on April 3, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Gray Iron Jobbing Foundry Industry; and

Whereas after notice published in the FEDERAL REGISTER on May 16, 1941, a public hearing upon the Committee's recommendation was held at Washington, D. C. on June 4, 1941, before Henry T. Hunt, Esquire, Principal Hearings Examiner, the Presiding Officer designated by the Administrator, at which hearing all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas by notice given at the hearing and by publication, all persons who appeared at the hearing were given leave to file briefs on or before June 19, 1941; and

Whereas leave was given at the hearing on June 4, 1941, for all persons who appeared at the hearing to request an opportunity for oral argument before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the Gray Iron Jobbing Foundry Industry, as defined by Administrative Order No. 88, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 23 for a Minimum Wage Rate in the Gray Iron Jobbing Foundry Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington, D. C.;

Now, therefore, it is ordered, That:

§ 602.1 *Approval of recommendation of industry committee.* The Committee's recommendation is hereby approved.*

§ 602.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Gray Iron Jobbing Foundry Industry who is engaged in commerce or in the production of goods for commerce.*

§ 602.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Gray Iron Jobbing Foundry Industry shall post and keep posted in a conspicuous place in each department of his establishment or foundry where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 602.4 *Definition of the gray iron jobbing foundry industry.* The Gray Iron Jobbing Foundry Industry, to which this Wage Order shall apply, is defined as follows:

The manufacture of ferrous or ferrous base castings, rough and finished, except malleable iron castings, steel castings, pipe and pipe fittings, for sale by the producer but not the manufacture of the same for use by the producer in the fabrication of other products or parts thereof.*

§ 602.5 *Scope of the definition.* The definition of the Gray Iron Jobbing Foundry Industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with the applicable regulations of the Wage and Hour Division.*

§ 602.6 *Effective date.* This Wage Order shall become effective November 3, 1941.*

Signed at Washington, D. C., this 13th day of October 1941.

PHILIP B. FLEMING,
Administrator.

*§§ 602.1 to 602.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

[F. R. Doc. 41-7734; Filed, October 14, 1941; 11:48 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-32 and A-33]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER, AND GRANTING FINAL RELIEF IN THE MATTER OF THE PETITION OF THE GUYAN EAGLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 18-21, INCLUSIVE, AND IN THE MATTER OF THE PETITION OF BUFFALO CHILTON COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 8, FOR A REDUCTION OF THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 1-4, INCLUSIVE, AND 18-21, INCLUSIVE

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act

of 1937, having been filed with the Division by Guyan Eagle Coal Company, a code member in District 8, seeking reductions in the effective minimum price classification of the coals of its Guyan No. 1 Mine (Mine Index No. 226) and Guyan No. 3 Mine (Mine Index No. 227), from "F" to "H" in Size Groups 18 to 21, and a similar petition having been filed by the Buffalo Chilton Coal Company, also a code member in District 8, seeking a reduction in the classification of coals of its Buffalo No. 1 Mine (Mine Index No. 76), from "Q" to "R" in Size Groups 1 to 4, and from "E" to "G" in Size Groups 18 to 21;

Boone County Coal Corporation, Gay Coal and Coke Company, Monitor Coal and Coke Company, and Georges Creek Coal Company having intervened, requesting the extension to them of any relief granted to the original petitioners, and others having intervened without requesting affirmative relief;

A hearing having been held before W. A. Cuff, an Examiner of the Division, on October 25, 1940, and, following amendment of the original petitions and consolidation of the dockets, a final hearing having been held before Floyd McGown, vice Examiner Cuff, on January 29, 1941, both hearings having been held in a hearing room of the Division in Washington, D. C.

The Director by Order of May 9, 1941, 6 F.R. 2399, having granted temporary relief by reducing the effective minimum price classifications for Guyan No. 1 and No. 3 Mines in Size Groups 18 to 21 from "F" to "G," and for Buffalo No. 1 Mine in Size Groups 18 to 21 from "E" to "F," and having denied other temporary relief;

Examiner McGowan having made and entered his Report, Proposed Findings of Fact and Conclusions of Law in this matter, dated August 27, 1941, recommending that the relief temporarily granted by the Director's Order be made permanent;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined that the said Proposed Findings of Fact and Conclusions of Law should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner filed herein, dated August 27, 1941, be and the same hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned; and

It is further ordered, That from and after the date hereof § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck, High Volatile Section, be and it hereby is amended as follows:

1. The effective minimum price classifications for coals of Guyan Eagle Coal Company's Guyan No. 1 Mine (Mine Index No. 226), and Guyan No. 3 Mine (Mine Index No. 227), in Size Groups 18 to 21, are reduced from "F" to "G" for shipment to all market areas; and

2. The effective minimum price classifications for coals of Buffalo Chilton Coal Company's Buffalo No. 1 Mine (Mine Index No. 76), in Size Groups 18 to 21, are reduced from "E" to "F" for shipment to all market areas.

It is further ordered, That the prayers of the original petitioners are granted to the extent above set forth, and in all other respects are denied, and that the prayers of the interveners hereby are denied.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7721; Filed, October 14, 1941; 10:31 a. m.]

[Docket No. A-861, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE WEST VIRGINIA COAL & COKE CORPORATION, MICCO NO. 3 MINE, MINE INDEX NO. 328

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 8, requesting establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 8, including the Micco No. 3 Mine of the West Virginia Coal & Coke Corporation, Mine Index No. 328;

An Order having been issued by the Director on May 27, 1941, 6 F.R. 2827, granting temporary relief and conditionally providing for final relief herein;

The West Virginia Coal & Coke Corporation having filed with the Division on July 3, 1941, a petition requesting revision of the price classification and minimum prices provided by the aforesaid Order for the coals produced at its Micco No. 3 Mine, Mine Index No. 328;

An Order having been issued by the Director on July 25, 1941, 6 F.R. 3749, severing that portion of Docket No. A-861 relating to the aforesaid Micco No. 3 Mine, Mine Index No. 328, and designating it as Docket No. A-861, Part II, and ordering continuance of the temporary relief and termination of the conditionally final relief theretofore granted, but only as to the aforesaid Micco No. 3 Mine, Mine Index No. 328;

A hearing having been held in this matter, pursuant to an Order of the Director and after notice to all interested persons, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner and the record thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now therefore it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be and hereby is amended as follows: Commencing forthwith the classification for the coals of the Micco No. 3 Mine of the West Virginia Coal & Coke Corporation, Mine Index No. 328, in Subdistrict No. 5, shall be "C" for Size Groups 24, 25, and 26, and "B" for Size Group 27, both for shipments to destinations other than Great Lakes and for Great Lakes Cargo only, and shall take the corresponding minimum prices.

It is further ordered, That in all other respects the petition herein be and the same is hereby denied.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7722; Filed, October 14, 1941; 10:32 a. m.]

[Docket No. A-825]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD NO. 10 FOR ESTABLISHMENT OF A NEW PRICE EXCEPTION NO. 8 TO THE EFFECTIVE PRICE SCHEDULE OF DISTRICT NO. 10 FOR RESULTANT SLUDGE COALS PRODUCED BY MINE INDEX NOS. 9, 62, 91, 141 AND 151

An original petition pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division by District Board 10, requesting the establishment of a price exception permitting certain code members located in Southern Illinois to sell resultant sludge coal at the minimum prices now established for their coals in Size Group 16 for rail shipments;

A petition for leave to intervene having been filed by District Board 11;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on June 13, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, Floyd McGown, having made and filed his Report, Proposed

Findings of Fact and Conclusions of Law in this matter, dated September 4, 1941;

An opportunity having been afforded all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The Director having determined that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be and they thereby are approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is further ordered, That § 330.8 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it hereby is amended to include the following price exception:

At Mine Index Nos. 9, 62, 91, 141 and 151, the resultant coal which passes through dewatering screens with openings not larger than one millimeter or the equivalent thereof after the production of Size Group Nos. 23, 24 and 25, may be applied by agreement with the purchaser on orders for dust (Size Group No. 16): *Provided, however,* That any code member operating Mine Index Nos. 9, 62, 91, 141 and 151 selling coal under this price exception shall file with the Bituminous Coal Division at 734 Fifteenth Street NW., Washington, D. C. within five (5) days after such sale, a complete description of such sale as is required by the Marketing Rules and Regulations of the Division, Order No. 313, and any other order of the Division. The filing required herein shall be in addition to that required for filing with the field office.

It is further ordered, That jurisdiction be and it hereby is reserved by the Director subsequently to modify or revoke the price exception herein established.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7723; Filed, October 14, 1941; 10:32 a. m.]

[Docket No. A-985]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER CLARIFYING AND ACCORDINGLY REVISING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SYCAMORE MINE, MINE INDEX NO. 1294, OF THE MAUMEE COLLIERIES COMPANY, IN DISTRICT NO. 11

An Order granting temporary relief and conditionally providing for final relief having been issued in the above-entitled matter by the Director on August 16, 1941, 6 F.R. 4365, and

It appearing that the aforesaid Order may possibly be subject to an interpretation not intended by the Director; and

It appearing to the Director that the Order should accordingly be clarified;

Now, therefore, it is ordered, That the Order of the Director granting temporary relief and conditionally providing for final relief in the above-entitled matter dated August 16, 1941, is amended by the revision of Supplement R-II annexed to and made a part of said Order to read as follows:

DISTRICT NO. 11

§ 331.5 *Alphabetical list of code members*—Supplement R-I

FOR ALL SHIPMENTS EXCEPT TRUCK

Mine Index No.	Name of code member	Mine	Seam	Subdist.	Freight origin group No.	Price group
1294	Maumee Collieries Co., The Sycamore	26	VI	LS	68	7

Mine Index No. 1294 shall be included in Price Group 7 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 7 listed in Price Schedule No. 1 for District No. 11, for All Shipments Except Truck.

§ 331.9 *Adjustments in f. o. b. mine prices* — Supplement R-II — *Deductions for freight rate differences for mine index No. 1294.*[1]

a.[1] On shipments originating on the C. M. St. P. & P. Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 61.

b.[1] On shipments originating on the Pennsylvania Railroad—the same absorptions as have been established for mines included in Freight Origin Group No. 63.

c.[1] On shipments to Market Areas 32, 33 and 34—the same absorptions as have been established for Mine Index Nos. 48, 49, 51 and 78.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R-III—*Prices for railroad locomotive fuel.*

a. On shipments to the C. M. St. P. & P. Railroad—the same prices as established for Mine Index Nos. 51 and 78.

b. On shipments to all railroads other than the C. M. St. P. & P. Railroad—the same prices as established for Mine Index Nos. 48, 49, 51 and 78.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7720; Filed, October 14, 1941; 10:31 a. m.]

[1] In no case shall the permissible deduction to any destination exceed the deduction applicable via the lowest rated route.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 947—PIG IRON

Amendment to General Preference Order M-17

Paragraph (d) (2) of § 947.1 (*General preference order M-17*[1]) is hereby amended to read as follows:

§ 947.1 *General preference order M-17.*

* * * * *

(d) *Withheld deliveries.*

* * * * *

(2) On or before the twenty-fifth day of each calendar month, the Director of Priorities, through the Chief of the Iron and Steel Branch, will direct each producer to make deliveries in the subsequent month of pig iron withheld pursuant to paragraph (d) (1) hereof or an equivalent of such pig iron. If any producer does not receive such direction as to any part of such pig iron on or before said date, he may dispose of the same in accordance with other directions of this Order.

Paragraph (e) of § 947.1 (*General preference order M-17*) is hereby amended to read as follows:

(e) *Customers' reports and producers' delivery schedules.* (1) On or before the twelfth day of each calendar month each pig iron customer shall file with the Iron and Steel Branch of the Office of Production Management a report showing supplies, consumption and requirements of pig iron and such other information as may be from time to time prescribed.

(2) On or before the twelfth day of each calendar month each producer shall file with the Iron and Steel Branch of the Office of Production Management a schedule of his proposed shipments of pig iron during the next succeeding calendar month, excluding from such schedule of shipments the pig iron withheld under the provisions of paragraph (d) above. Except as may be specifically authorized by the Director of Priorities, no shipment of pig iron shall be made by a producer unless and until such shipments shall have been scheduled and reported as required by the provisions of this paragraph, and such schedules shall have been approved by the Director of Priorities. Subject to the provisions of paragraph (b) above, pig iron which has been so scheduled by a producer for use in the manufacture of steel may be used for that purpose unless specifically disapproved by the Director of Priorities.

This Amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No.

[1] 6 F.R. 3920.

89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7698; Filed, October 14, 1941; 9:36 a. m.)

PART 962—STEEL

Amendment to Supplementary Order M-21-b

Paragraph (b) (1) of § 962.3 (*Supplementary order M-21-b*[1]) is hereby amended to read as follows:

§ 962.3 *Supplementary order M-21-b.*

* * * * *

(b) *Limitation of deliveries to warehouses.* (1) After October 31, 1941, no Warehouse shall accept from a Producer any delivery of steel on consignment or otherwise until a quota has been established for such Warehouse, pursuant to paragraph (c), and no such delivery shall be made or accepted except within the limits of such quota.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 14th day of October 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-7699; Filed, October 14, 1941; 9:36 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE TREASURY

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), and a Proclamation issued June 27, 1940 (5 F.R. 2419), the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

§ 7.10 (c) is amended by adding the following subparagraphs:

[1] 6 F.R. 4587.

§ 7.10 *Anchorage regulations for certain ports of the United States.*

* * * * *

(c) * * *

(17) *San Pablo Bay, California; Hamilton Field Air Base.* The bombing area danger zone heretofore established in San Pablo Bay, California, adjacent to Hamilton Field Air Base (5 F.R. 3892) is hereby enlarged to include the firing range at Hamilton Field, the danger zone being redefined as follows:

The area in San Pablo Bay, California, bounded as follows: Beginning at a point on the western shore of the Bay 180 feet south of the south side of the Hamilton Field Boat House, thence south 54° east (true) 6,950 yards, thence true north 7,380 yards, thence true west 4,200 yards to the shore line, thence southerly along the shore line to the point of beginning.

No vessel or other craft, except vessels of the United States, or vessels duly authorized by the captain of the port or the Commanding Officer, Hamilton Field, California, shall navigate, anchor, or moor within the above area. The provisions of this subparagraph shall be enforced by the captain of the port and the Commanding Officer, Hamilton Field, California.

(18) The following areas are designated as special anchorage areas wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights:

Weymouth Fore River Boston Harbor, Massachusetts. Southwesterly of a line having a bearing of 119° true from the outer end of the wharf at Nut Island; northwesterly of a line having a bearing of 199° 30′ true from Pig Rock Light to the eastern end of Raccoon Island; northerly of Raccoon Island and a line from its western extremity having a bearing of 245° true from Beacon 2A; and easterly of the shore of Houghs Neck.

Mystic River, Boston Harbor, Massachusetts. Anchorage A: West side of Chelsea Bridge North. Northerly of the northerly fender pier of Chelsea Bridge north and a line joining the westerly end of the shoreward face of fender pier with the southeasterly corner of the wharf projecting from the Naval Hospital grounds; easterly of the aforesaid wharf; southerly of the shore of the Naval Hospital grounds; and westerly of Chelsea Bridge North. Anchorage B: East side of Chelsea Bridge North. Northerly of the northerly fender pier of Chelsea Bridge north; easterly of Chelsea Bridge north; southerly of the shore line; and westerly of a line having a bearing of 7° true from the easterly end of the aforesaid fender pier.

Dorchester Bay, Boston Harbor, Massachusetts. Eastward of a line bearing 21° true from the stack located a short distance northwestward of the Dorchester Yacht Club; southward of a line bearing 294° true from the southerly channel pier of highway bridge; westward of the highway bridge and the shoreline; and northward of the shore line to its intersection with a line bearing 21° true from the aforesaid stack.

Quincy Bay, Boston, Massachusetts. South of a line starting from a point bearing 246° true, 3,510 yards, from stack of pumping station on Nut Island, and extending thence 306° true to the shore; west of a line bearing 190° true, extending from the aforesaid point to the shore; north of the shore line to its intersection with the eastern boundary; and east of the shore line to its intersection with the northern boundary.

Silver Beach Harbor, North Falmouth, Massachusetts. All the waters of Silver Beach Harbor northward of the inner end of the entrance channel shall comprise a special anchorage area wherein vessels not more than sixty-five feet in length, when at anchor, shall not be required to carry or exhibit anchor lights.

Lynn Harbor, Masachusetts. North of a line bearing 244° true from the tower of the Metropolitan District Building, extending from the shore to a point 100 feet from the east limit of the channel; east of a line bearing 358° true, extending thence to a point 100 feet east of the northeast corner of the turning basin; south of a line bearing 88° true, extending thence to the shore; and south and west of the shore line to its intersection with the south boundary.

Yonkers, New York. Northward of a line on range with the footbridge across the New York Central Railroad Company tracks at the southerly end of Greystone Station, eastward of a line on range with the square, red brick chimney west of the New York Central Railroad Company tracks at Hastings-on-Hudson and the easterly yellow brick chimney of the Glenwood power house of the Yonkers Electric Light and Power Company, and southward of a line on range with the first New York Central Railroad Company signal bridge north of the Yonkers Yacht Club. (See U.S.C. & G.S. Chart No. 748)

Hastings-on-Hudson, New York. Northward of a line on range with the northerly face of the clubhouse of the Tower Ridge Yacht Club, eastward of a line on range with the elevated tank of the Anaconda Wire and Cable Company and the channelward face of the northerly building on the water front of the said Company's property, and southward of a line on range with the first footbridge across the New York Central Railroad Company tracks, north of the Tower Ridge Yacht Club. (See U.S.C. & G.S. Chart No. 748)

(19) Claremont Terminal, Jersey City, New Jersey, is designated an explosive loading terminal at which explosives may be loaded or discharged directly between vessels and the shore or between vessels. The regulations for the Port of New York (33 CFR 202.25) affirmed and adopted as a part of these regulations are amended accordingly.

The following new section is inserted:

§ 7.22 *New London Harbor, Connecticut—Anchorage A.* Located in the Thames River east of Shaws Cove and is included within the following points:

(A) 1,400 yards 243° true from Monument, Groton;
(B) 925 yards 246° true from Monument, Groton;
(C) 1,380 yards 217° true from Monument, Groton;
(D) 1,450 yards 235° true from Monument, Groton.

This anchorage is for barges and small vessels drawing less than 12 feet.

Anchorage B. Located in the Thames River southward of New London and is included within the following points:

(A) 2,460 yards 2° true from New London Harbor Light;
(B) 2,480 yards 9° true from New London Harbor Light;
(C) 1,175 yards 26° true from New London Harbor Light;
(D) 1,075 yards 8° true from New London Harbor Light.

Anchorage C. Located in the Thames River southward of New London Harbor and is included within the following points:

(A) 450 yards 100° true from New London Harbor Light;
(B) 575 yards 270° true from New London Ledge Light;
(C) 1,450 yards 270° true from New London Ledge Light.

Anchorage D. Located in Long Island Sound approximately two miles west southwest of New London Ledge Light and is included within the following points:

(A) 2.6 miles 246° true from New London Ledge Light;
(B) 2.1 miles 247° true from New London Ledge Light;
(C) 2.1 miles 233° true from New London Ledge Light;
(D) 2.6 miles 235° true from New London Ledge Light.

The regulations for San Juan Harbor, Puerto Rico, are amended by adding a new paragraph as follows:

§ 7.55 *San Juan, Puerto Rico.*

* * * * *

(b) (1) That portion of San Juan Bay located to the east and south of a line extending from Isla Grande Light to Buoy No. 16, thence to Buoy No. 14, thence due south to a line running due west from Catano Point is designated a restricted seaplane operating area. Except as noted in subparagraph 2 of this paragraph, no vessel shall operate or anchor within this area excepting those attendant upon seaplane operations.

(2) Limited portions of the area are exempted as described below:

(i) Areas in Catano and Pueblo Viejo Bays located west of a north and south line passing through Catano Point. These areas may be utilized for the anchorage of small craft.

(ii) The channel and turning basin to the Graving Dock and the channel connecting the Graving Dock turning basin with the Martin Pena Channel. These areas may be utilized for the passage of vessels to and from the Graving Dock and the Martin Pena Channel.

(iii) The channel from the U. S. Army Terminal in Pueblo Viejo Bay connecting with the Graving Dock Channel at a point near Buoy No. 16. This area may be utilized for the passage of vessels to and from the U. S. Army Terminal.

(3) In the event of an emergency, the movement of vessels in the areas exempted from the restrictions outlined above may be prohibited during such periods when their presence would endanger aircraft using the restricted areas.

The following new section is inserted:

§ 7.91 *Waters of the Tennessee Valley Authority.* Restricted areas are hereby established not exceeding twenty-five hundred (2,500) feet above and below each of the river structures of the Tennessee Valley Authority and of the War Department hereinafter listed. Such areas, including approaches through the locks at such of the structures enumerated where locks exist, shall be defined by the captain of the port by means of buoys, signs or other appropriate markings placed or posted in conspicuous and appropriate places.

No vessel, boat, raft, or craft of any kind shall enter or remain in any restricted area established by this section, except when proceeding directly to a lock for passage therethrough and then only by way of the designated and buoy-marked channels of ingress and egress.

The river structures of the Tennessee Valley Authority and of the War Department which are included by this regulation are as follows:

Pickwick Landing Dam, Tennessee River, Tennessee.
Wilson Dam, Tennessee River, Alabama.
General Joe Wheeler Dam, Tennessee River, Alabama.
Guntersville Dam, Tennessee River, Alabama.
Hales Bar Dam, Tennessee River, Tennessee.
Chickamauga Dam, Tennessee River, Tennessee.
Watts Bar Dam, Tennessee River, Tennessee.
Norris Dam, Clinch River, Tennessee.
Cherokee Dam, Holston River, Tennessee.
Hiwassee Dam, Hiwassee River, North Carolina.
Ocoee No. 1 Dam, Ocoee River, Tennessee.
Ocoee No. 2 Dam, Ocoee River, Tennessee.
Blue Ridge Dam, Toccoa River, Georgia.
Great Falls Dam, Caney Fork River, Tennessee.
Great Falls Intake Dam, Collins, Tennessee.

Primary responsibility for the enforcement of this regulation shall rest upon the captain of the port, but officers and employees of the Tennessee Valley Authority stationed at the various river structures are authorized to assist the captain of the port under such mutual arrangements as may be made between officers in charge of each river structure and the captain of the port.

§ 7.95 (a) (paragraph 1 of the General Provisions, 5 F.R. 4410) is amended to read as follows:

§ 7.95 *General provisions.* (a) Whenever the term "captain of the port" is used in these Rules and Regulations, it shall also be construed to include such enforcement officer, other than the captain of the port, as may be designated by the Secretary of the Treasury pursuant to section 2 of the Regulations issued by the Secretary and approved by the President on June 27, 1940.

The captain of the port is the officer of the Coast Guard designated as such by the Commandant of the Coast Guard for certain ports and territorial waters of the United States. In the administration and enforcement of these Rules and Regulations, the captain of the port shall be subject to the supervision of the Secretary of the Treasury, acting through the Commandant of the Coast Guard.

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved:

FRANKLIN D ROOSEVELT
The White House.

OCTOBER 9, 1941.

[F. R. Doc. 41-7732; Filed, October 14, 1941; 11:43 a. m.]

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following rules and regulations are prescribed to govern the use, administration, and navigation of the waters of the Gulf of Mexico between Southwest Pass and Caminada Pass, comprising an aerial gunnery range, New Orleans Air Base.

§ 204.91a *Waters of the Gulf of Mexico between Southwest Pass and Caminada Pass; Aerial Gunnery Range, New Orleans Air Base.*

THE DANGER ZONE

(a) That area in the Gulf of Mexico lying south of Bastian Bay and north of the course from Southwest Pass Whistling Buoy and Ship Shoal Whistling Buoy, and between Southwest Pass and Caminada Pass, bounded as follows:

	Longitude (west)	*Latitude (north)*
Northeast corner	89°29'45"	29°08'15"
Northwest corner	89°58'00"	29°11'00"
Southeast corner	89°32'00"	28°53'30"
Southwest corner	90°03'00"	28°48'00"

The corners of the area will be marked as soon as practicable by the United States Coast Guard.

THE RULES AND REGULATIONS

(b) (1) Firing over the area will consist of attack by airplanes using 30 to 50-caliber guns on towed targets at altitudes of 5,000 to 30,000 feet. Firing over the area will take place during both day-

[1] § 204.91a is added.

light and night time hours at irregular periods throughout the year.

(2) When firing is in progress, the area will be closed to all vessels and no vessel shall enter, pass through, or lie in the area without written permission of the Base Operations Officer, New Orleans Air Base, or his duly authorized representative.

(3) Prior to the commencement of each period of firing, the area will be carefully patrolled by vessels and airplanes to insure that no vessels are within the area. All vessels seen approaching dangerously close to the area or attempting to enter the area or which are lying in or passing through the area shall be warned by means of signals that firing is about to begin. The patrolling air craft will employ the warning known as "buzzing." Buzzing consists of low flight by the airplane and repeated opening and closing of the throttle of the engine on the plane. The patrol vessels will display a red flag during the day time. At night these vessels will display a flashing red light where it can readily be seen from all directions. At night patrol planes will display a flashing red light on the left wing, synchronized so as to approximately coincide with the opening and closing of the throttle of the engine.

(4) The Air Base at New Orleans, Louisiana, will broadcast by radio or broadcast will be by plane at intervals during the days or nights on which firing is in progress to inform fishermen and other vessels of the aerial gunnery and other activities in the area (danger zone).

(5) The United States Coast Guard, Custom House, New Orleans, Louisiana, will be fully informed at all times concerning activities and contemplated activities in the area, so that they may communicate such information to other United States Coast Guard Stations, navigation interests and fishermen, and to the United States Hydrographic offices at New Orleans which will broadcast it for the benefit of vessels offshore at 10:40 a. m. and 10:40 p. m. of each day when firing is contemplated or is in progress.

(6) The District Engineer, U. S. Engineer Office, New Orleans District, Foot of Prytania Street, New Orleans, Louisiana, shall also be kept informed at all times concerning activities and contemplated activities in the area.

(7) When firing is in progress, visual signals consisting of a red flag by day and a quick flashing red light at night will be displayed at Oyster Bayou Light Station, Point au fer Light Station, Barataria Bay Light Station, and Southwest Pass East Jetty Fog Signal Station.

(8) Use of the area shall be with due regard to the needs of vessels and fishermen and the Base Operations Officer, New Orleans Air Base, shall, when practicable, establish a definite schedule of operations. As soon as such definite schedule has been established, he will advise the District Engineer, U. S. Engineer Office, New Orleans District, New Orleans, Louisiana, and the U. S. Coast Guard and navigation interests, and others known to be interested, accordingly. He will also notify these parties of the suspension of activities over the area for an extended period, or of discontinuance of the use of the area.

(9) The fact that aerial gunnery or other activities are to take place over the area designated shall be advertised to the public through the usual media for dissemination of information.

(10) Inasmuch as the activities are likely to be engaged in throughout the year without regard to season, such advertising shall be repeated at frequent intervals which shall not exceed three months and which shall be more frequent when in the opinion of the Base Operations Officer, New Orleans Air Base, responsible for use of the range, such repetition is necessary in the public interest.

(11) The rules and regulations in this section will be enforced by the U. S. Coast Guard and the Base Operations Officer, New Orleans Air Base. (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. Sept. 5, 1941 (E.D. 7195 (Mexico, Gulf of)—18/6)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 41-7708; Filed, October 14, 1941; 10:23 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

The Commission, on October 11, 1941, effective immediately, amended § 3.34 as follows:[1]

§ 3.34 *Normal license period.* All standard broadcast station licenses will be issued so as to expire at the hour of 3 a. m., Eastern Standard Time, and will be issued for a normal license period of two years, expiring as follows:

(a) For stations operating on the frequencies 640, 650, 660, 670, 680, 690, 700, 710, 720, 730, 740, 750, 760, 770, 780, 800, 810, 820, 830, 840, 850, 860, 870, 880, 890, 900, 940 kilocycles, February 1, even years.

(b) For stations operating on the frequencies 990, 1,000, 1,010, 1,020, 1,030, 1,040, 1,050, 1,060, 1,070, 1,080, 1,090, 1,100, 1,110, 1,120, 1,130, 1,140, 1,160, 1,170, 1,180, 1,190, 1,200, 1,210, 1,220, 1,500, 1,510, 1,520, 1,530, 1,540, 1,550, 1,560, 1,570, 1,580 kilocycles, April 1, even years.

(c) For stations operating on the frequencies 550, 560, 570, 580, 590, 600, 610, 620, 630, 790 kilocycles, June 1, even years.

(d) For stations operating on the frequencies 910, 920, 930, 950, 960, 970, 980, 1,150, 1,250 kilocycles, August 1, even years.

(e) For stations operating on the frequencies 1,260, 1,270, 1,280, 1,290, 1,300, 1,310, 1,320, 1,330, 1,350, 1,360 kilocycles, October 1, even years.

(f) For stations operating on the frequencies 1,370, 1,380, 1,390, 1,410, 1,420, 1,430, 1,440, 1,460, 1,470, 1,480, 1,590, 1,600 kilocycles December 1, even years.

(g) For stations operating on the frequency 1,230 kilocycles, February 1, odd years.

(h) For stations operating on the frequency 1,240 kilocycles, April 1, odd years.

(i) For stations operating on the frequency 1,340 kilocycles, June 1, odd years.

(j) For stations operating on the frequency 1,400 kilocycles, August 1, off years.

(k) For stations operating on the frequency 1,450 kilocycles, October 1, odd years.

(l) For stations operating on the frequency 1,490 kilocycles, December 1, odd years. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7736; Filed, October 14, 1941; 11:53 a. m.]

[Docket No. 5060]

PART 3—RULES GOVERNING STANDARD AND HIGH FREQUENCY BROADCAST STATIONS

RULES APPLICABLE TO STATIONS ENGAGED IN CHAIN BROADCASTING

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of October 1941.

The Commission having under consideration the petition of the Mutual Broadcasting System, filed August 14, 1941, requesting that the Commission amend its order entered in Docket No. 5060 promulgating regulations applicable to radio stations engaged in chain broadcasting by modifying the regulations dealing with option time and the duration of affiliation contracts, having heard oral argument on said petition and having reconsidered its report and order in Docket No. 5060.[1]

It is ordered, That the Commission's order of May 2, 1941, entered in Docket No. 5060, be, and same is hereby, amended in the following particulars:

§ 3.102. *Territorial exclusivity.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding, express or implied, with a network organization which prevents or hinders another station serving substantially the same area from broadcasting the network's pro-

[1] Licenses will be renewed according to the schedules set out in these rules upon the expiration of existing licenses. 4 F.R. 2717; 5 F.R. 424.

[1] 6 F.R. 2282; 6 F.R. 2992.

grams not taken by the former station, or which prevents or hinders another station serving a substantially different area from broadcasting any program of the network organization. This regulation shall not be construed to prohibit any contract, arrangement, or understanding between a station and a network organization pursuant to which the station is granted the first call in its primary service area upon the programs of the network organization.

§ 3.103 *Term of affiliation.* No license shall be granted to a standard broadcast station having any contract, arrangement, or understanding express or implied, with a network organization which provides, by original term, provisions for renewal, or otherwise for the affiliation of the station with the network organization for a period longer than two years: *Provided,* That a contract, arrangement, or understanding for a period up to two years, may be entered into within 120 days prior to the commencement of such period.

§ 3.104 *Option time.* No license shall be granted to a standard broadcast station which options[1] for network programs any time subject to call on less than 56 days' notice, or more time than a total of three hours[2] within each of four segments of the broadcast day, as herein described. The broadcast day is divided into 4 segments, as follows: 8 a. m. to 1 p. m.; 1 p. m. to 6 p. m.; 6 p. m. to 11 p. m.; 11 p. m. to 8 a. m.[3] Such options may not be exclusive as against other network organizations and may not prevent or hinder the station from optioning or selling any or all of the time covered by the option, or other time, to other network organizations.

The last paragraph of said order is hereby amended to read as follows:

It is further ordered, That these regulations shall become effective immediately: *Provided,* That with respect to existing contracts, arrangements or understandings, or network organization station licenses, the effective date shall be deferred until November 15, 1941: *Provided further,* That the effective date of § 3.106 with respect to any station may be extended from time to time in order to permit the orderly disposition of properties: *And provided further,* That the effective date of § 3.107 shall be suspended indefinitely and any further order of the Commission placing said § 3.107 in effect shall provide for not less than six months' notice and for further extension of the effective date from time to time in order to permit the orderly disposition of properties. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7735; Filed, October 14, 1941; 11:53 a. m.]

[1] As used in this section, an option is any contract, arrangement, or understanding, express or implied, between a station and a network organization which prevents or hinders the station from scheduling programs before the network agrees to utilize the time during which such programs are scheduled, or which requires the station to clear time already scheduled when the network organization seeks to utilize the time.

[2] All time options permitted under this section must be for specified clock hours, expressed in terms of any time system set forth in the contract agreed upon by the station and network organization. Shifts from daylight saving to standard time or vice versa may or may not shift the specified hours correspondingly as agreed by the station and network organization.

[3] These segments are to be determined for each station in terms of local time at the location of the station but may remain constant throughout the year regardless of shifts from standard to daylight saving time or vice versa.

PART 4—RULES GOVERNING BROADCAST SERVICES OTHER THAN STANDARD BROADCAST

The Commission, on October 11, 1941, effective immediately, amended § 4.3 to read as follows: [1]

§ 4.3 *License period: renewal.* (a) Licenses for the following classes of broadcast stations normally will be issued for a period of one year expiring as follows:

Class of station	*Date of expiration*
ST broadcast station	Apr. 1
International broadcast station	Nov. 1
Television broadcast station	Feb. 1
Facsimile broadcast station	Mar. 1
High frequency broadcast station	Apr. 1
Noncommercial educational broadcast station	May 1
Development broadcast station	May 1

(b) Licenses for the following class of broadcast station normally will be issued for a period of two years expiring as follows:

Class of station	*Date of expiration*
Relay broadcast station:	
(a) 1,622 to 2,830 kc.	Oct. 1 (even years)
(b) 30,000 to 40,000 kc. and above	Dec. 1 (odd years)

(c) Each licensee shall submit the application for renewal of license at least 60 days prior to the expiration date (§ 1.360).

(d) A supplemental report shall be submitted with each application for renewal of license of a station licensed experimentally[2] in accordance with the regulations governing each class of station (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7737; Filed, October 14, 1941; 11:53 a. m.]

[1] Licenses will be renewed according to the schedule set out in these rules upon the expiration of existing licenses.

[2] The phrases "station licensed experimentally" and "experimental station" are used interchangeably and refer to stations listed in § 4.3 when so specified in the instrument of authorization.

Notices

WAR DEPARTMENT.

[Contract No. W 535 ac-167]

SUMMARY OF COST-PLUS-A-FIXED-FEE SUPPLY CONTRACT

CONTRACTOR: DOUGLAS AIRCRAFT COMPANY, INC., SANTA MONICA, CALIFORNIA

Contract[1] for: * * * Airplanes, and Parts.

Estimated cost: $22,333,680.00.

Fixed-fee: $1,340,020.80.

The supplies and services to be obtained by this instrument are authorized by, and for the purpose set forth in, and are chargeable to the following Procurement Authorities, the available balances of which are sufficient to cover the cost of the same: AC 299 P 114-30 A 0021-13.

This contract, entered into this Twenty-Sixth day of August 1941.

ARTICLE 1. *Statement of work.* The Contractor shall manufacture, furnish and deliver to the Government the following articles:

* * * Airplanes.
Certain spare parts for the airplanes.

ART. 2. *Estimated costs.*

Quantity	*Estimated cost*
* * * Airplanes	$18,611,400.00
Spare parts	3,722,280.00
Total estimated cost	22,333,680.00

ART. 3. *Consideration.* The Government will pay the Contractor upon satisfactory delivery of all items specified in this contract, subject to reimbursements for cost, as outlined in Article Six (6) hereof, the cost, plus a fixed fee of One million three hundred Forty Thousand twenty dollars and eighty cents ($1,340,020.80).

ART. 5. *Changes.* The Contracting Officer may, at any time, by a written order, make changes in or additions to the drawings and specifications, issue additional instructions, require additional work, or direct the omission of work covered by the contract.

ART. 6. *Payments*—(a) *Reimbursement for cost.* The Government will currently reimburse the Contractor for such expenditures made in accordance with Article 3 hereof as may be approved or ratified by the Contracting Officer, and upon certification to and verification by the Contracting Officer of the original signed payrolls for labor, the original paid invoices for materials or other original papers. Generally, reimbursement will be made weekly, but may be made at more frequent intervals if the conditions so warrant.

(b) *Payment of the fixed fee.* Ninety percentum (90%) of the fixed fee set forth in paragraph (a) of Article 3 hereof

[1] Approved by the Under Secretary of War September 6, 1941.

shall be paid as it accrues, in monthly installments. Upon completion of the work and its final acceptance, any unpaid balance of the fee, including the additions thereto, if any, to which the Contractor may be entitled, as provided in said paragraph (a) of Article 3, shall be paid to the Contractor.

(c) *Advances.* The Government, as requested by the Contractor from time to time, shall make advance payments to the Contractor, without payment of interest thereon by the Contractor, of such sums as may be requested by the Contractor and approved by the Contracting Officer, the aggregate of which shall not exceed thirty percentum (30%) of the estimated cost of the work under this contract. Such advances shall be made upon such terms and conditions and with such security as the Secretary of War shall prescribe.

ART. 9. *Termination of contract by Government.* Should the Contractor at any time refuse, neglect, or fail to prosecute the work with promptness and diligence, or default in the performance of any of the agreements herein contained, or should conditions arise which make it advisable or necessary in the interest of the Government that work be discontinued under this contract, the Government may terminate this contract by a notice in writing from the Contracting Officer to the Contractor.

ART. 22. *Title to property.* The title to all work under this contract, completed or in the course of manufacture or assembly at the Contractor's plant, shall be in the Government. Upon deliveries at the Contractor's plant, or at an approved storage site, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Contractor shall be entitled to be reimbursed hereunder shall vest in the Government.

ART. 24. *Fire insurance.* The Contractor agrees unless and until otherwise directed in writing by the Contracting Officer to insure against fire all property in its possession upon which an advance payment or a payment in reimbursement for cost is about to be made, such insurance to be in a sum at least equal to the amount of such payment plus all other advance payment or payments in reimbursements for cost, if any, theretofore made thereon, and further agrees to keep such property so insured until the same is delivered to the Government.

This contract authorized under the provisions of section 1 (a), Act of July 2, 1940, and section 9, Act of June 30, 1941.

FRANK W. BULLOCK,
Lieut. Col., Signal Corps,
Assistant to the
Director of Purchases and Contracts.

[F. R. Doc. 41-7707; Filed, October 14, 1941; 10:22 a. m.]

[Contract No. W 398 qm-10788; O. I. No. 619]

SUMMARY OF CONTRACT FOR SUPPLIES

CONTRACTOR: INTERNATIONAL HARVESTER COMPANY, CHICAGO, ILLINOIS

Contract for: Trucks, * * *

Amount: $1,063,340.00.

Place: Holabird Quartermaster Depot, Baltimore, Maryland.

This contract, entered into this 13th day of August 1941.

Scope of this contract. The contractor shall furnish and deliver * * * Trucks * * * for the consideration stated $1,063,340.00 in strict accordance with the specifications, schedules and drawings all of which are made a part hereof.

Changes. Where the supplies to be furnished are to be specially manufactured in accordance with drawings and specifications, the contracting officer may at any time, by a written order, and without notice to the sureties, make changes in the drawings or specifications, except Federal Specifications. Changes as to shipment and packing of all supplies may also be made as above provided.

Delays-Damages. If the contractor refuses or fails to make deliveries of the materials or supplies within the time specified in Article 1, or any extension thereof, the Government may by written notice terminate the right of the contractor to proceed with deliveries or such part or parts thereof as to which there has been delay.

Payments. The contractor shall be paid, upon the submission of properly certified invoices or vouchers, the prices stipulated herein for articles delivered and accepted or services rendered, less deductions, if any, as herein provided. Unless otherwise specified, payments will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the contractor, payments for accepted partial deliveries shall be made whenever such payments would equal or exceed either $1,000 or 50 percent of the total amount of the contract.

Variations. Quantities listed hereon are subject to increase of not to exceed * * * %. This increase option to remain in effect until * * *.

Terms of payment. Discount will be allowed for prompt payment as follows: 30 calendar days $* * * each unit.

The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to procurement authority:

QM 1801 P 37-30 A 0525.003-2
QM 15915 P 37-30 A 0525.003-12

the available balance of which is sufficient to cover cost of same.

This contract authorized under section 1a, Act of July 2 1940 (Public No. 703).

FRANK W. BULLOCK,
Lieut. Col. Signal Corps,
Assistant to the Director of
Purchases and Contracts.

[F. R. Doc. 41-7709; Filed, October 14, 1941; 10:24 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-40]

IN THE MATTER OF A. D. SPICER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 18, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 12, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for inter-

vention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Sewell, Kentucky, during the period from April 25, 1941 to June 13, 1941, both dates inclusive, offered to sell, sold and delivered to M. Pace of Mt. Sterling, Kentucky, approximately 19.79 net tons of ½'' x 1'' nut coal, Size Group No. 5, produced by defendant at his Spicers Mine, Mine Index No. 1314, located in Breathitt County, Kentucky, in District No. 8, at 75 cents per net ton, f. o. b. the mine, whereas the effective minimum price f. o. b. the mine for said coal at the time of said transaction was $1.90 per net ton, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7710; Filed, October 14, 1941; 10:26 a. m.]

[Docket No. B-17]

IN THE MATTER OF MINTON WILBURN, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 5, 1941, by Bituminous Coal Producers' Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 8, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Minton Wilburn, Habersham, Tennessee, offered to sell and did sell coal produced by the defendant at his Wilburn Mine, Mine Index No. 1993, located in District No. 8, as follows: (a) On or about March 17, 1941, to Herman Matthews, approximately 6.56 tons of 2'' nut and slack coal at 92 cents per net ton f. o. b. said mine, and (b) during the period from January 1, 1941 to March 22, 1941, both dates inclusive, to John Parker, approximately 20 tons of 2'' nut and slack coal at $1.00 per net ton f. o. b. said mine, whereas all of said coal is classified as Size Group 7 and priced at $1.70 per net ton f. o. b. said mine as shown in the Schedule of Effective Minimum Prices, for Truck Shipments, for District No. 8, which transactions constituted offers for sale and sales of coal below the minimum established therefor by the Division and violations of section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7711; Filed, October 14, 1941; 10:26 a. m.]

[Docket No. B-16]

IN THE MATTER OF CLARENCE YOUNG AND E. L. YOUNG, PARTNERS DOING BUSINESS AS Y. AND Y. COAL CO., DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated September 3, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 3, 1941, by Bituminous Coal Producers Board for District No. 8 a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 10, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the U. S. Court Room, Federal Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an ap-

propriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.-123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants, whose post office address is Bondtown, Virginia, on March 26, 1941, sold to John R. Horton approximately 5.95 net tons of nut and slack coal, high volatile, Size Group 7, produced by said defendants at their Y. and Y. Coal Co. Mine (Mine Index No. 2375), at $1.30 per net ton f. o. b. said mine, whereas this coal has an applicable minimum price of $1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7712; Filed, October 14, 1941; 10:27 a. m.]

[Docket No. B-26]

IN THE MATTER OF J. M. MCDONALD, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, whose address is La Ventana, Cuba, New Mexico, sold, for shipment via truck, during the month of January, 1941, to various purchasers, including Joe Black, John Chaves, and one Emersin, large quantities of 1½" lump coal produced at said defendant's McDonald Mine (Mine Index No. 136), at the price of $3.00 per net ton f. o. b. the mine, whereas the effective minimum price therefor, f.o.b. said mine, was $3.65 per net ton.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F.R. Doc. 41-7713; Filed, October 14, 1941; 10:27 a. m.]

[Docket No. B-51]

IN THE MATTER OF EASTERN COAL & COKE COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 2615, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") to determine—

(a) Whether or not the Eastern Coal & Coke Company, Registered Distributor, Registration No. 2615, whose address is Philadelphia, Pennsylvania, the respondent in the above-entitled matter, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated May 25, 1939, executed by respondent, pursuant to Order of the National Bituminous Coal Commission, dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939; and

(b) Whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that;

2. Respondent acting as sales agent for the Beccaria Coal Mining Co., a code member, operating the Leland No. 8 Mine, Mine Index No. 273, located in Clearfield County, Pennsylvania, in District No. 1, accepted and retained a commission from said code member of 26 cents per net ton on approximately 474.95 net tons of mine run coal, Size Group No. 3, produced at the aforesaid mine, sold by it on behalf of said code member, and shipped between January 23, 1941, and May 29, 1941, both dates inclusive, and accepted and retained a commission of

27 cents per net ton from said code member on approximately 55.30 net tons of mine run coal, Size Group No. 3, produced at the aforesaid mine, sold by respondent on behalf of said code member, and shipped on or about May 14, 1941. Said commissions were and are in excess of the maximum discounts allowable to a registered distributor on such transactions as established by Order of the Director, dated June 19, 1940, in General Docket No. 12, and were paid by said code member pursuant to a sales agency agreement between respondent and said code member entered into subsequent to August 8, 1940, to wit, October 28, 1940, although at the time of said transactions, said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of Section II of the Marketing Rules and Regulations. Respondent accordingly participated in a transaction in violation of Rule 13 of Section II of the Marketing Rules and Regulations, and thereby violated paragraph (e) of the agreement referred to in paragraph 1 (a) hereof.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on November 12, 1941, at 10 a. m. in a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed revelant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statstical bureaus of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7714; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. B-24]

IN THE MATTER OF ALBUQUERQUE & CERRILLOS COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated June 26, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been duly filed on June 30, 1941, by Bituminous Coal Producers Board for District No. 18, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on December 5, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Hilton Hotel, Albuquerque, New Mexico.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division designated by the Director thereof for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless the Director or the presiding officer shall otherwise order, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) By selling during the period December 19, 1940 to February 6, 1941, both dates inclusive, to various purchasers, approximately 246 tons of 1¼" x ⅜" coal produced at its Jones Mine, Mine Index No. 11, located in Sante Fe County, New Mexico, in District No. 18, at a price of not more than $2.80 per net ton f. o. b. the mine, whereas the effective minimum price established for such coal was and is $3.00 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 18 for All Shipments; and

(b) By selling during the period commencing with October 3, 1940, to and including February 20, 1941, to Tony Simoni of Cerrillos, New Mexico, and M. A. Chavez, Sante Fe, New Mexico, approximately 49 tons of coal produced at its above said mine, and accepting in full payment thereof of "scrip" issued by the defendant in violation of Rule 1 (F) of Section VII of the Marketing Rules and Regulations.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7715; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. A-657]

PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING POSTPONEMENT

The original petitioner having moved that the hearing in the above-entitled matter be postponed until October 31, 1941, and having shown good cause why its motion should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of October 13, 1941, to 10 o'clock in the forenoon of October 31, 1941, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated October 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7716; Filed, October 14, 1941; 10:28 a. m.]

[Docket No. A-1021]

PETITION OF JAMES ARMSTRONG, ET AL., CODE MEMBERS IN SUBDISTRICT 7 OF DISTRICT 19, FOR REVISION OF THE NUMBER AND DESCRIPTION OF THE SIZE GROUPS AND REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS, FOR TRUCK SHIPMENT, PRODUCED AT THE MINES IN THAT SUBDISTRICT, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER ADVANCING DATE OF HEARING

A hearing in the above-entitled matter has been scheduled, by Order of the Director signed on September 22, 1941, to be held on November 17, 1941, at a hearing room of the Division in Sheridan, Wyoming.

It appearing, however, that the interests of all persons concerned will be served better by the holding of such hearing on November 10, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter now scheduled to be held at a hearing room of the Division in Sheridan, Wyoming be, and it hereby is, advanced from 10 o'clock in the forenoon on November 17, 1941 to 10 o'clock in the forenoon on November 10, 1941.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, limited to and including November 5, 1941.

In all other respects the Notice of and Order for Hearing entered in this matter on September 22, 1941 shall remain in full force and effect.

Dated: October 11, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7717; Filed, October 14, 1941; 10:29 a. m.]

No. 201——3

[Docket No. 1781-FD]

IN THE MATTER OF MATTHEW PHILLIPS, DEFENDANT

ORDER DENYING MOTION FOR CONTINUANCE

Matthew Phillips, defendant, having filed with the Division on October 9, 1941, a motion and affidavit of Walter H. Maloney, dated October 8, 1941, requesting that the hearing in the above-entitled matter now set for October 13, 1941 at Marion County Court House, Fairmont, West Virginia, be continued for a period of 30 days or to such other time as will suit the convenience of all parties interested herein and further requesting that said hearing be held at Steubenville, Ohio or Wheeling, West Virginia; and

It appearing to the Acting Director that good cause has not been shown for the granting of said motion;

Now, therefore, it is ordered, That the motion to continue said hearing in the above-entitled matter be and it is hereby denied.

Dated: October 11, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-7718; Filed, October 14, 1941; 10:29 a. m.]

[Docket No. A-1093]

PETITION OF DISTRICT BOARD 11, REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR DISTRICT 11 COALS PRODUCED FOR RAIL SHIPMENT TO KELLOGG AIRPORT, BATTLE CREEK, MICHIGAN, MARKET AREA NO. 21

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above named party requesting a revision of the effective minimum prices for District No. 11 by providing for deductions in mine prices based upon difference in freight rates between mines in District No. 11 on shipments to Kellogg Airport, (Battle Creek) Michigan, in Market Area No. 21.

The relief sought in this petition is identical to that requested in Docket No. A-735 by District Board 11 with respect to shipments to Fort Custer (Battle Creek), Michigan, which relief was granted, pending final disposition, by the Director's Order in that docket dated June 16, 1941. Petitions of intervention in Docket No. A-735 were filed by District Boards 8 and 10 and the Consumers' Counsel, but only the original petitioner appeared at the hearing. The Kellogg Airport is served by the Grand Trunk Railway System, which also serves Fort Custer, the boundary lines of the Kellogg Airport and Fort Custer are approximately one mile apart and the coal dumps at the Kellogg Airport and Fort Custer are located approximately two and one-half miles apart.

In view of these foregoing circumstances it appears to the Director that a reasonable showing of necessity has been made for the granting of temporary relief, pending the final disposition of this proceeding, in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The Director deeming that this action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter temporary relief be, and the same hereby is, granted as follows: Commencing forthwith the Schedule of Minimum Prices for District No. 11 for All Shipments Except Truck is supplemented to include the following table of deductions for differences in freight rates:

MARKET AREA NO. 21

Freight Origin Group Numbers and the Amount of Deduction for Freight Rate Differences for Coal Shipped from Mines included in Each Freight Origin Group to Destination as Listed Below:

PRODUCING SUBDISTRICTS

Destination	BC	LS	PA [1]	PA [2]	BO	KY
	30, 32, 33, 34, 40, 42, 43	60, 61, 62, 63, 64, 65, 67, 80, 81	10, 70, 71, 72	12	20, 21	51, 52
Kellogg Airport, Battle Creek, Mich.	None	10	17	20	20	35

[1] For all mines in the Princeton-Ayrshire Subdistrict not located on the Southern Railway.
[2] For all mines in the Princeton-Ayrshire Subdistrict located on the Southern Railway.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Pocedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing herein shall be deemed to constitute an adjudication of, or an expression of, an opinion concerning the merits of the original petition.

Dated: October 10, 1941.

[SEAL] H. A. GRAY,
Director.

[F. R. Doc. 41-7719; Filed, October 14, 1941; 10:30 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1941 Adair Co., Iowa, Sup. No. 1]

1941 ADAIR COUNTY, IOWA, SPECIAL AGRICULTURAL CONSERVATION PROGRAM

Pursuant to the authority vested in the Secretary of Agriculture under sec-

tions 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148) as Amended, the 1941 Adair County Agricultural Conservation Program Bulletin is amended as follows:

Section 701.202 (d)[1] of ACP–1941 is incorporated as paragraph (d) of Section 2 with the following changes:

The paragraph following the title "Soil-Building Allowance" is rewritten to read as follows: "The soil-building allowance, which is the maximum payment that may be earned by carrying out soil-building practices shall be the sum of the following: *Provided*, That, for any farm with respect to which the sum of the maximum payments computed under Section 1 and subparagraphs (1), (2) and (3) and subparagraph (6), as renumbered subparagraph (4) by this supplement No. 1, of this paragraph (d) is less than $20.00, the amount determined under this paragraph (d) shall be increased by the amount of the Difference."

Items (ii), (iii) and (iv) of subparagraph (3) and subparagraphs (4), (5) and (7) are deleted.

The figure "$1.00" is substituted for the figure "$1.10" where it appears in subparagraph (6) and subparagraph (6) is renumbered subparagraph (4).

Subparagraph (8) is renumbered subparagraph (5).

The following new subparagraph (6) is added:

(6) The smaller of $20.00 or the amount earned by growing on the contour alternate strips of intertilled crops with sown, close-drilled, or sod crops or contour farming of intertilled crops.

Done at Washington, D. C. this 14th day of October 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 41–7727; Filed, October 14, 1941; 11:26 a. m.]

Farm Security Administration.

DESIGNATION OF COUNTY FOR TENANT PURCHASE LOANS

ARKANSAS

OCTOBER 14, 1941.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Arkansas, Union County, is hereby designated as an additional county in which loans, pursuant to said Title, may be made hereafter.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 41–7729; Filed, October 14, 1941; 11:27 a. m.]

[1] 5 F.R. 2924, 6 F.R. 849, 3793.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5. F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective October 14, 1941. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

Apparel

The following certificates at the rate of 75% of the applicable hourly minimum wage.

Mason and Hughes, Inc., Erin, Tennessee; Work Shirts; 10 percent; October 14, 1942.

Mason and Hughes, Inc., 103 Legion Street, Clarksville, Tennessee; Single Pants, Breeches, Zipper Jackets; 10 percent; October 14, 1942.

Signed at Washington, D. C., this 14th day of October 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41–7733; Filed, October 14, 1941; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 665]

IN THE MATTER OF THE APPLICATION OF EASTERN AIR LINES, INC. FOR AUTHORITY TO OPERATE NONSTOP ON ROUTE NO. 10 BETWEEN CHICAGO, ILLINOIS AND ATLANTA, GEORGIA

NOTICE OF HEARING

The above-entitled proceeding, being the application of Eastern Air Lines, Inc., for authority to operate nonstop on Route No. 10 between Chicago, Illinois and Atlanta, Georgia, is hereby assigned for public hearing on October 21, 1941, 10 o'clock a. m. (Eastern Standard Time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before an Examiner of the Board.

Dated Washington, D. C., October 11, 1941.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 41–7706; Filed, October 14, 1941; 10:22 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6195]

NOTICE RELATIVE TO BIRNEY IMES & ROBIN WEAVER, d/b AS IMES-WEAVER BROADCASTING CO. (NEW)

Application dated May 24, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbia, Tennessee; operating assignment specified: Frequency, 1,340 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, for the following reasons:

1. To determine the qualifications of the applicants to construct and operate the proposed station.

2. To determine whether applicants are financially qualified to construct and operate the proposed station, particularly in view of financial commitments, contingent or otherwise, which would be incurred should their application proposing a station for Murphreesboro, Tennessee, Docket No. 6194 and an application of Birney Imes, B3–P–3148, proposing a station for Tupelo, Mississippi, be granted.

3. To determine the type and character of the program service which the applicants may be expected to render if this application is granted.

4. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience, or

necessity will be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Co., % Robin Weaver, 425 Center Ave., Philadelphia, Mississippi.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7700; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6040]

NOTICE RELATIVE TO MID-AMERICA BROADCASTING CORPORATION (NEW)

Application dated February 13, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Louisville, Ky.; operating assignment specified: Frequency, 1,040 kc. (1,080 kc. NARBA); power, 1 kw. night, 5 kw. day (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WIBC, WTIC and KRLD.

2. To determine the areas and populations which would be deprived of interference-free primary service, particularly from Station WIBC as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

3. To determine the areas and populations which would be deprived of secondary service, particularly from Stations WTIC and KRLD as a result of the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the extent of any interference which would result from simultaneous operation of the proposed station and Station HHK, Leogane, Haiti.

5. To determine whether the proposed station would provide interference-free primary service to: (a) the residential sections and (b) the metropolitan district of Louisville, Kentucky, as contemplated by the Standards of Good Engineering Practice.

6. To determine the areas and populations which may be expected to gain interference-free primary service from the operation of the proposed station, and what other broadcast services are available to these areas and populations.

7. To determine whether: (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station, and (b) the authorization requested herein is the best available assignment.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience or necessity would be served by a grant of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mid-America Broadcasting Corporation, 234 Starks Building, Louisville, Kentucky.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7701; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6192]

NOTICE RELATIVE TO JOHN R. CROWDER, TR/AS DIMPLE BROADCASTING COMPANY (NEW)

Application dated May 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Columbia, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, Tennessee Radio Corporation, Docket No. 6193, and Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket Nos. 6194 and 6195, for the following reasons:

1. To determine whether applicant is qualified in all respects to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Dockets Nos. 6191, 6193, and 6194.

5. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

John R. Crowder tr/as Dimple Broadcasting Company, Fayetteville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7702; Filed, October 14, 1941; 10:07 a. m.]

[Docket No. 6193]

NOTICE RELATIVE TO TENNESSEE RADIO CORPORATION (NEW)

Application dated June 14, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited (facilities of WSIX).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, and Birney Imes & Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors, and stockholders, to construct and operate the proposed station.

2. To determine the type and character of the program service which the applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To obtain full information with respect to the connections and relationships, direct or indirect, the nature, extent, and effect thereof, between the applicant, its officers, directors or stockholders, or any of them, and the licensee of Station WSIX.

5. To determine the areas and populations now receiving interference-free primary service from Station WSIX which would receive similar service from the station proposed herein.

6. To determine whether the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

7. To determine whether the proposed station would provide interference-free primary service to: (a) the residential sections, and (b) the metropolitan district of Nashville, Tennessee, as contemplated by the Standards of Good Engineering Practice.

8. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Docket Nos. 6191, 6192, and 6194.

9. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191: John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Tennessee Radio Corporation, % W. D. Hudson, War Memorial Building, Nashville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7703; Filed, October 14, 1941; 10:08 a. m.]

[Docket No. 6194]

NOTICE RELATIVE TO BIRNEY IMES & ROBIN WEAVER, d/b AS IMES-WEAVER BROADCASTING COMPANY (NEW)

Application dated June 5, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murphreesboro, Tennessee; operating assignment specified: Frequency, 1,240 kc.; power, 250 w.; hours of operation, unlimited (facilities of WSIX).

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191, John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192, and Tennessee Radio Corporation, Docket No. 6193, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine whether applicants are financially qualified to construct and operate the proposed station, particularly in view of financial commitments, contingent or otherwise, which would be incurred should their application proposing a station for Columbia, Tennessee, Docket No. 6195, and an application of Birney Imes, No. B3-P-3148, proposing a station for Tupelo, Mississippi, be granted.

3. To determine the type and character of the program service which applicants may be expected to render if this application is granted.

4. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

5. To determine the extent and effect of any interference which would be involved as a result of the simultaneous operation of the proposed station and stations proposed in Docket Nos. 6191, 6192, and 6193.

6. To determine whether the granting of this application, the applications of R. O. Hardin, tr/as Nashville Broadcasting Company, Docket No. 6191; John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; and Tennessee Radio Corporation, Docket No. 6193; or any of them, would serve public interest, convenience, or necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, % Robin Weaver, 425 Center Avenue, Philadelphia, Mississippi.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 41-7705; Filed, October 14, 1941; 10:08 a. m.]

[Docket No. 6191]

NOTICE RELATIVE TO R. O. HARDIN, TR/AS NASHVILLE BROADCASTING COMPANY (NEW)

Application dated April 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1240 kc.; power, 250 w.; hours of operation, unlimited (facilities of Station WSIX).

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of John R. Crowder, tr/as

Dimple Broadcasting Company, Docket No. 6192; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if this application is granted.

3. To determine the areas and populations which would gain interference-free primary service from the operation of the proposed station and what other broadcast services are available to these areas and populations.

4. To determine the availability of a transmitter site which would comply with the Standards of Good Engineering Practice in all respects.

5. To determine the extent and effect of any interference which would be involved as a result of simultaneous operation of the proposed station and stations proposed in Dockets Nos. 6192, 6193, and 6194.

6. To determine whether the granting of this application the applications of John R. Crowder, tr/as Dimple Broadcasting Company, Docket No. 6192; Tennessee Radio Corporation, Docket No. 6193; and Birney Imes and Robin Weaver, d/b as Imes-Weaver Broadcasting Company, Docket No. 6194, or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

R. O. Hardin, tr/as Nashville Broadcasting Company, 105 Oak Park Drive, Knoxville, Tennessee.

Dated at Washington, D. C., October 10, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-7704; Filed, October 14, 1941; 10:08 a. m.]